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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: J. H. Labuschagne

GROUP: 3637

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EXAMINER: Phi Dieu N Tran A

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DOCKET NO.: TIMK 7938US

FOR: PORTABLE FACILITY AND PROCESS FOR RECONDITIONING
ANTI FRICTION BEARINGS

St. Louis, Missouri
July 24, 2002

Box Amendment – NO FEE RESPONSE
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

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GROUP 3600

Sir:

This paper responds to the Patent Office action of May 10, 2000, in the above-designated patent application. In that Office action the Patent Office examiner required restriction of the application to either claims 1-12 directed to a portable facility for reconditioning bearings or to claims 13-18 directed to a process for reconditioning bearings itself. The examiner further required applicant to make an election.

Pursuant to the requirement for restriction, applicant elects to have the prosecution proceed with claims 1-12 directed to the portable facility. Applicant makes the election with traverse.

A good measure of discretion appears to reside with the Patent Office examiner insofar as restriction is concerned. Indeed, the Patent Act, at 35 USC 121, states that where an application contains two or more independent and distinct inventions, the

Commissioner may require the application to be restricted to one of the inventions. Here the portable facility and process seem so similar that ample justification exists for keeping them in the same application. Moreover, an examiner should examine claims to independent or distinct inventions if the search can be without serious burden. MPEP 803. Here the examiner would no doubt search and consider the same art irrespective of whether the process or product claims are elected.

In view of the foregoing withdrawal of the requirement for restriction and examination of both the facility and process claims, that is claims 1-18, on their merits are respectfully request.


Respectfully submitted,



Edward A. Boeschstein, Reg. No. 22,986
Polster, Lieder, Woodruff & Lucchesi, L.C.
763 South New Ballas Road, Suite 230
St. Louis, Missouri 63141
Phone (314) 872-8118
Fax (314) 991-2178

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents and Trademarks, Washington, D.C. 20231, on July 24, 2002


Edward A. Boeschstein, Reg. 22,986

7-24-02

Dated